

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

July 31, 1980

Diamond Head Oil

Michael V. Polito (2-SA-ERHMI)

Richard Weinstein (2-ENF-WE)

THRU: Fred N. Rubel, Chief (2-SA-ERHMI)

Attached is a report dated June 11, 1980 a site visit performed by our Technical Assistance Team at my request to monitor the status of actions detailed in Mr. Charles Piscatelli's letter to Mr. J. Morales Sanchez dated January 3, 1980 (Docket No. OH-11-79-44).

If you have any questions on this report please give me a call.

I wish to point out a special situation that is developing at the site. The State of New Jersey through its highway construction program is changing the drainage patterns in the land area surrounding the Diamond Head site. These changes in drainage will lead to additional flooding of the Diamond Head site increasing the potential for oil contamination of rainfall runoff.

Attached please find a copy of Mr. Germaine's letter to me dated January 21, 1980 which states the New Jersey position regarding this oil contamination. As long as this runoff can be handled by a connection to the State's swale system, we have no problem. If this connection is however severed we may be involved in an oil spill.

Your thoughts on the matter would be appreciated.

2 Attachments

2-SA-ERHMI:MPolito:dks:Bldg.209:X6652:7-31-80

510357



CONCURRENCES

SYMBOL							
SURNAME	Polito	Rubel					
DATE	7/14	8/1/80					



ecology and environment, inc.

300 McGAW DRIVE, RARITAN CENTER, 2ND FLOOR, EDISON, NEW JERSEY 08817, TEL. 201-225-9659

International Specialists in the Environmental Sciences

Rec'd
7/14/80
mms

DATE: June 11, 1980

SUBJECT: SPCC Followup: Progress of Demolition and Site Inspection of Diamond Head Oil and Refining Corporation, 1401 Harrison Avenue, Kearny, N.J., Docket No. OH-II-79-44

FROM: John R. Burger, TAT II *JB*
Ecology and Environment, Inc.
300 McGaw Drive
Edison, N.J. 08817

TO: Michael V. Polito, Hazardous Material Consultant
ER & HMI Branch
USEPA
Region II
Edison, N.J. 08817

THRU: Fred. N. Rubel, Chief *FR*
ER & HMI Branch, USEPA, Edison, N.J.

At the request of Fred N. Rubel, a second follow-up SPCC inspection of the subject site was conducted by the TAT on June 11, 1980. Coincident with this inspection was an investigation of alleged spillage of waste oil from the site buildings onto adjacent roadways and into the Harrison St./I-280 storm drainage system. The investigation of this spillage, its source, and circumstances surrounding the spillage are reported in a separate letter, addressed through M.V. Polito to F.N. Rubel.

A series of "110" color photographs of the site taken on June 11 are included with this submission, and are referenced in this progress report.

The following statements summarize the status of demolition and restoration at the facility, and are presented in the order in which they appeared in Mr. Piscatelli's January 3, 1980, letter to the Enforcement Branch, USEPA.

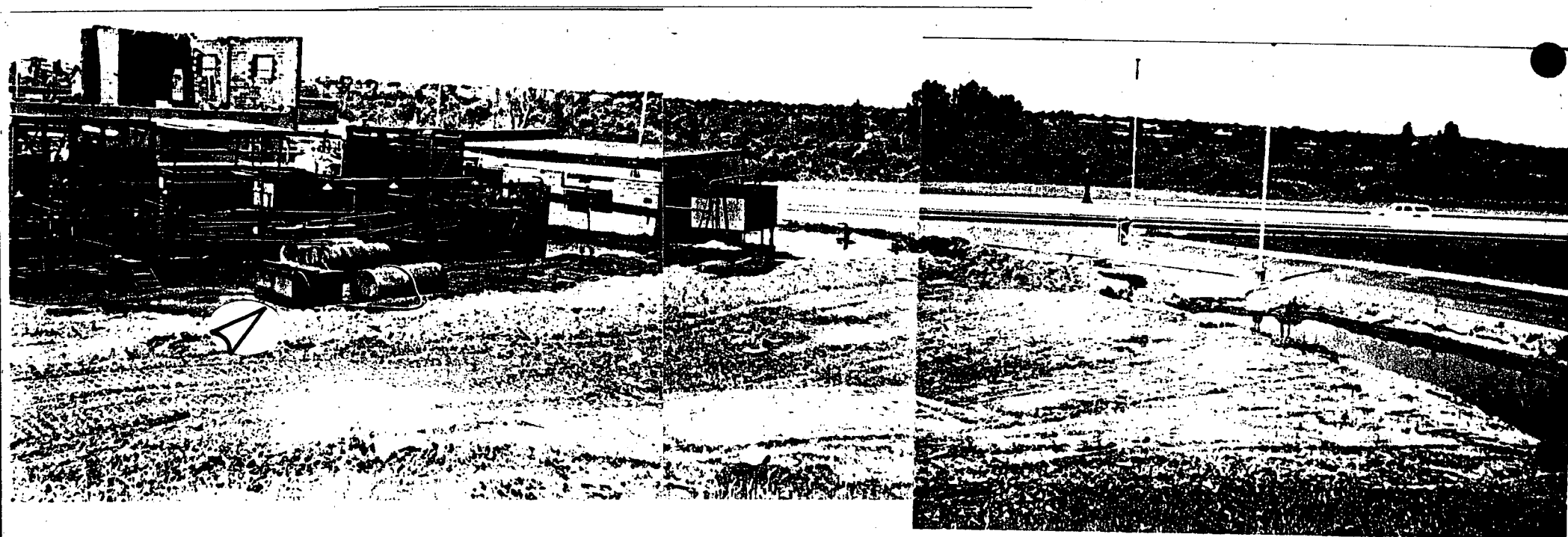
1. The tenant (Diamond Head Oil and Refining Corp.) has vacated the site.
2. The oil/water separator is no longer functional. According to Mr. Harder, NJDOT, (Assistant to the Resident Engineer, I-280 project), the DOT was advised to construct a dike around the NE corner of the property by the N.J. Attorney General's Office (NJAG). Consequently, the "separator" has been inundated by a combination of site stormwater runoff and spilled oil. (See panorama photo #1)
3. According to "Harold" (who would not volunteer his last name), who is now employed by Modern Transportation but who previously was a supervisor of operations at Diamond Head, all of the liquid phase in all on-site tankage has been removed. From a ground level, walk-through inspection, the accuracy of this statement could not be determined. At least one vessel was not empty of water/oil, as may be seen in photo #2 (see photo #1 for location). According to Piscatelli's letter, all oil on the premesis was to be removed by 4/30/80. As may be seen in the attached photos, free-floating oil continues to be ponded on-site, especially in the vicinity of the bulk tankage and eastern property line. (See photos #1, 3, and 4) This spillage is now contributing to off-site oil movement through the garage and office doors fronting on Harrison St. during periods of heavy rainfall.
4. Demolition of piping systems, hose fittings, etc. is partially complete. See photos #1, 3, 4, and 5.
5. Removal of functional processing equipment appears complete. Remaining equipment may be non-operational. The main building is essentially empty and the second floor partially demolished. (Photo #6) Garaged equipment and outside piping, etc., may be of use, but for all practical purposes the site can be considered decommissioned.

6. If any tank demolition has occurred, it is limited to the top sections of supported columns. There is no evidence of at-grade tank demolition (See photos #4 and 5.) Tank bottom sediments must be removed before demolition can occur.

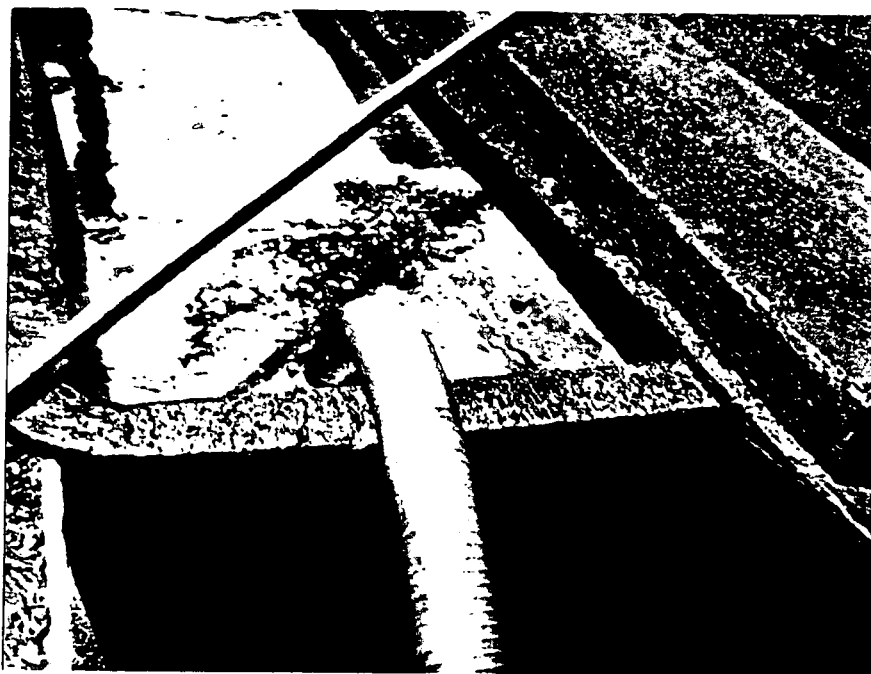
7. No action taken to date on site grading, etc. (Photos #3, 4, and 5 show D.O.T. grading on adjacent state lands.)

8. Partial demolition of the main building is underway. The office/garage building is not secured (broken windows on north side), but shows no evidence of demolition. (Photos #7 and 8)

No demolition activity was observed on either 10 or 11 June, and no equipment was on site for this purpose. There was no site activity of any type observed on either date.



1. View of northeast corner of D.H.R. corporation property, looking northwest. Earth berm constructed by the N.J.D.O.T. is visible along the P.L. Note that the berm has prevented direct overland flow of the amber oil/water solution ponded on the facility's property. This photo was compared with photo #1 in the TAT report of 6 Nov 79 (rev. 19 Dec 79), confirming that no visible demolition in this area of the site has taken place with the one exception of partial demolition of the second floor of the main building.



2. Close-up view of rectangular, open tank located by arrow in photo #1. Approximately 2-4 mm. of free, weathered oil was observed.



3. Typical view of oil-covered, ponded water long eastern P.L. of Facility. Only demolition evidence in this area was removal of 2-story high pedestal "columns" located to right of this photo.



4. Panorama of eastern property line, looking northwest. Demolition visible in this photo is limited to all but the north wall of the second story of the main building and all but the bottom half of 1 out of 3 pedestal "columns" (center of photo). (Some piping demolition is evident, but is difficult to detect in the photos.)



5. Panorama of the rear of the facility, looking north. Demolition observed in this area was limited to piping and hose removal. The large, buried, rectangular receiving tank in front of the horizontal green tank had been emptied of product, as well as the red "separator" in front of the block building.



6. West wall of main building, looking northeast. Loading/unloading bays blocked by debris. Vertical tanks inside building were the only observed internal structures or equipment.



7. Southwest corner of office/garage building (north of 2-story building), looking northeast. No evidence of demolition.



8. Northwest corner of site, looking southeast. Office and garage area were not secured, due to broken windows in the garage doors and the lower office window fronting Harrison street. (Below "office" arrow.)



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF LAW

TRANSPORTATION—HIGHWAYS SECTION

1035 PARKWAY AVENUE

P.O. BOX 101

TRENTON 08625

TELEPHONE 609-292-5957

JOHN J. DEGNAN
ATTORNEY GENERAL

STEPHEN SKILLMAN
ASSISTANT ATTORNEY GENERAL
DIRECTOR

RICHARD L. RUDIN
DEPUTY ATTORNEY GENERAL
SECTION CHIEF

January 21, 1980

Mr. Michael V. Polito
U.S. Environmental Protection Agency
Region II, Emergency Response and
Inspection Branch
Raritan GSA Depost Building 209
Woodbridge Avenue
Edison, New Jersey 08817

Re: Interstate Route 280, Kearny, New Jersey

Dear Mr. Polito:

In our telephone conversation of January 17, 1980, you requested to be advised concerning the efforts by the State of New Jersey, Department of Transportation (DOT), to deal with the presence of an oil sheen in the drainage ditches now under construction as part of the I-280 Project, Sections 8A and 8D, in Kearny, New Jersey.

When the presence of an oil sheen on the ditch adjacent to Ramp M was first reported to this office by yourself and DOT Resident Engineer, Ulrich H. Steinberg in November, 1979, I instructed Mr. Steinberg that none of the drainage ditches be opened into storm sewers or navigable waters until the presence of oil was eliminated. In subsequent weeks, DOT and its contractor undertook various measures in an effort to alleviate the problem, including stabilizing slopes and providing additional topsoil and cover material. Representatives of the Hackensack Meadowlands Development Commission (HMDC) and the Department of Environmental Protection (DEP) of the State of New Jersey were also consulted, and various proposals, including a liner for the ditches, were studied.

January 21, 1980

On November 14th and 21st, I personally met with representatives of DEP to outline the problem and plan actions to address it. As a result of these meetings, it was agreed that DEP would inspect the ditches and advise the DOT as to measures necessary to deal with the contamination. On December 7, 1979, I accompanied Gary Allen and Greg Reuter of DEP on a field inspection, and as a result of their observations and advice, I instructed Resident Engineer Steinberg on December 14, 1979, that the ditches could not be opened to Frank's Creek until a treatment system had been approved by DEP and installed.

On January 3, 1980, a meeting was held at which representatives of DOT, DEP and the Federal Highway Administration were present. Various treatment systems designs, including an inverted siphon were discussed. DEP advised that sampling of the liquid in the ditches would be needed before DEP could approve a design for a treatment system. This sampling was performed by DEP on January 9, 1980, and DOT is currently preparing a design for a treatment system and pursuing a permit application with DEP.

Until all necessary permits, including NPDES, have been issued by DEP, no discharge will be made from the I-280 drainage ditches. I have personally inspected the ditches with Mr. Steinberg as recently as January 10, 1979, and there is no imminent danger of their contents overflowing or otherwise escaping into navigable waters.

On behalf of DOT, I would like to point out that at least part, if not all, of the oil finding its way into the drainage ditches originates from the oil-contaminated ground-water beneath the Diamond Head Oil Refining facility on 1401 Harrison Avenue. During DEP's inspection of December 7, 1979, Gary Allen and myself observed a trail of oil-stained ground leading from the southeast side of the facility into the ditch adjacent to Ramp M through a cut in the slope. A particularly heavy concentration of oil was observed in this area of the ditch contiguous to this outlet. Moreover, Mr. Allen observed signs of free spillage and overflowing tanks in the Diamond Head facility. Such spillage finds its way into DOT's ditches through the ground-water and surface runoff.

Moreover, DOT has convincing evidence, including past inspections by EPA, which clearly indicates that the historical source of oil in the entire area of the I-280 Project was the Diamond Head facility. Therefore, under section 311 of the FWPCA,

January 21, 1980

33 U.S.C.A. §1321, the legal responsibility for any escape of oil from the area is on the owners and operators of the Diamond Head facility.

Nonetheless, DOT recognizes its public duty to insure that pollutants will not escape from its property into waters of the United States, and will pursue its legal rights against the pollution source — the corporate owners of the Diamond Head facility — to recover the costs incurred in eliminating the oil contamination.

Having endeavored through this letter to bring EPA up to date of the State's plans, I will keep you advised of our continued efforts as they develop.

With thanks for your cooperation.

Very truly yours,

JOHN J. DEGNAN
Attorney General of New Jersey

Thomas J. Germin

By: Thomas J. Germin
Deputy Attorney General

TJG:cl